

ILLINOIS POLLUTION CONTROL BOARD
June 9, 1977

VILLAGE OF SOUTH ELGIN, an)	
Illinois municipal corporation,)	
ARTHUR ROSS, BARBARA ROSS, et al.,)	
Village citizens in their)	
individual right,)	
)	
Complainants,)	PCB 76-294
)	
v.)	
)	
WASTE MANAGEMENT OF ILLINOIS,)	
INC., a corporation, and)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondents.)	

ORDER OF THE BOARD (by Mr. Zeitlin):

This matter is before the Board on Complainants' Motion to Withdraw Complaint, filed May 16, 1977. In that Motion Complainants requested that the case be dismissed without prejudice, on a finding that no hearing had been held. Respondents opposed that Motion, to the extent that they argued that dismissal should be with prejudice. On May 26, 1977, we entered an Interim Order directing Complainants to file a memorandum on the issues.

The Board has previously held that it does not favor forum shopping of the type being engaged in here by Complainants. Committee to Save Our Environment, et al., v. Carlson, PCB 75-443 (Dec. 2, 1976). We have also held that the "hearing process," for dismissal purposes, does not require an actual adjudicatory hearing. People v. McGuire, PCB 76-235 (April 28, 1977). Respondents are, at this late stage, entitled to dismissal with prejudice.

This cause is dismissed with prejudice.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 9th day of June, 1977, by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board